City Officers shall be paid from the County Tressury, and that County Officers shall be paid from the City Tressury. A Police Court Clerk is a County Officer. Canniff act. The Mayor of New York, 4 E. D. Smith, 430-5; People agt. Edmonds, 19 Barb.

Conf. (Ser.) and the paid from the City Treasury. A Folice Conf. Cierk is a County Officer. Canniff agt. The Mayor of New York, 4 E. D. South, 430-5; People agt. Edmonds, 19 Barb. 282.

And yet under the act of 1851 (ch. 5/4, sec. 6) the salary of such and yet under the act of 1851 (ch. 5/4, sec. 6) the salary of such affects was made payable out of the City Treasury. If the source from which the salary is drawn determines the official character, whether city or ounty, the Common Fless and Supreme Court could not have beld as they did in the above case, that Police Clerks were county and not city officers. It may, however, he said that the functions which pertain to the office of Commissioner of Taxes and Assessments are properly incident to a county office, because the power of imposing taxes in the several counties of this state is conferred by law upon the Super-visors of the counties, and that the assessment or valuation of property for the purpose of taxation is a part of the taxion power, of the counties of this state is conferred by law upon the Super-visors of the counties, and that the assessment or valuation of property for the purpose of taxation is a part of the taxion power, of apportioning taxes is identical, the Commissioners of Taxes and Assessments are, by the set of libbs, vested with power that belongs to county-officers, and are, therefore, made county officers. It is a sufficient answer to this position to say that while the power to tax and the power to apportion taxes is identical if the county officers by whom the apportion ment is male and those by whom the taxes shall be laid, need not necessarily be the same. Taxion is an attribute of severegoty, belonging to the same. Taxion is an attribute of severegoty, belonging to the pools of the State; the particular of the State.

People agt. Mayor of threatyn. 4 Comatock, 419.

Providence Bank agt. Bullings. 4 Peters, 514.

Gatin agt. Hull. 21 Vermont. It is not not of the county professor of the county officers. Indeed, those who have advanc

four Committee have stated the proposition in this form of see they are aware that a mere change of rame will not alte-character of an office; and that if the officers who formerly striked the duties which now devolve upon the Commissioner, it their deputies were county officers, the Commissioners an-puties would be held to be so also. (People agt. Draper.

exercised the duties which now devolve upon the Commissioners and their deputies were county officers, the Commissioners and deputies would be held to be so also. (People agt. Draper. 1 Smith, 392.)

What duties then do the Commissioners and the Deputy Commissioners appears to the same of the commissioners age to the commissioners as a season to the texable property in the district assigned to them. (Laws 1859; pp 580-1; sec. 7.)

The Commissioners revise and correct the assessment of the deputies. (Ibid, pp. 661-2; secs. 10 and 1.)

By whom were these functions performed in the City and County of New-York at the time of the adoption of the Constitution of 1846? The assessment was first made by the Assessors of the several Wards, and the correction of the assessments was made by all the Assessors saltting as an independent Board. (See Davie's Laws, pp. 714-718. Act of April 29, 1839).

Who ware the Assessors? Were they City or County officers at the time of the adoption of the Constitution of 1846? for to this period as above shown, the inquiry is its ited.

The Assessors in the City of New-York were at that time, and ever since the organization of the City Government had been, City Officers.

The second section of the Montpomeric Charter designates the officers of the Corporation, the Mayor, Aldermen and Commonalty of the City of New-York, and among them it provides that there shall be sixteen Assessors. (Keut's Charter, p. 73, ed. 1851).

Section 10 of the same Charter provides that "on the feest day of 8t. Michael in every year forever herester, the freemen of the asset of the Corporation, the Mayor, Aldermen and Commonalty of the City of New-York, and among them it provides that there shall be sixteen Assessors for forever herestler, the freemen of the asset of the Corporation, the Mayor, Aldermen and Commonalty of the City of New-York, and among them it provides that there shall be sixteen Assessors from the Corporation of the City of

of St. Michael in every year forever hereafter, the freemen of the said city being inhabitants, and the freeholders of each separate Ward in the said city, small assemble and then and there by plurality of voices, elect and choose out of the inhabitants of each respective Ward, &c., two Assessors."

Section 11 (Kent's Charter) provides for filling vacancies in the effice of Assessors. (Kent's Charter).

The time of the election of Assessors was subsequently changed, but the Assessors contined to be elected as city officers from the organization of the City Government, down to the time of the adoption of the Constitution of 1846 (Kent's Notes to Charter, p. 238, Ed. 1854).

But it is contended that the Court of Appeals has decided that an assessor was a county officer, and the case of Landilince agt. The Town of Monroe (I Kernan, 372) is cited as maintaining the position; but, in reality, that case is no authority for the doctrine it is alleged to sustain.

That case was decided upon the provisions of the Revised Statutes, and did not arise under the Charter of this City, nor was that Charter under consideration. Besides, the case simply decides that Assessors are not Town Officers in such a sense as to make the town, as quasi Corporation, responsible for their acts. It does not define them to be County but "independent public "officers, whose duties are prescribed by law." See lat Kernan, p. 335. The case certainly does not avail those therefore who contend that Assessors are County Officers.

Your Committee will not allude to the provisions of the Charter of 1849, or of the act of 1850, relative to Assessors and Tax Commissioners, because these acts were passed after the adoption of the present Constitution, and can therefore have no bearing upon the question of the Constitution all ty of the act of 1859, now under 1849, or of the act of 1850, does as your Committee of Taxes and Assessments was in existence in substance at the time of the adoption of the Constitution shows tended by a County officer, it shade

By the act of 1821 me has county. (See act, sec. 6. Laws 1857, vol. 2, p. 256.)

That act made him a county officer or authority, and the Legislature was fully warrasted (in the opinion of your Committee) in conferring upon him the power of appointing the Commissioners of Taxe and Assessments. Your Committee are therefore of philon, from the examination which they have given to the subject referred to in the resolution above set forth.

That by the act of April 14, 1856, the act of April 16, 1857, conferring upon the Board of Supervisors the power of appointing the Commissioners of Taxes and Assessments, is repealed. That the former act legally deprives this Board of the right to make such appointment, and transfers such power to the Controller. That this Board has no greater or other responsibility imposed upon it by the act of 1856 than formerly attached to it in reference to the apportionment or levying of taxes. That in such respect the power of this Board remains unchanged. That the assessments were to the Board remains unchanged. That the assessments were required to the temporary Tax. to the apportionment or levying of taxes. That in such respect the power of this Board remains unchanged. That the assessments or valuations of taxable property made by the Deputy Tax Commissioners, as corrected by it e Commissioners of Taxes and Assessments, are legal and valid, and that this Board will be justified in proceeding to apportion and levy the tax for the City and County of New-York for the year 1859, upon such assessments and valuations. That as the law creating the Board of Commissioners and their Deputies have jurisdiction over all assessments property in the county; and that the cases to which this Board has been referred, deciding that where an Assessor exceeds his jurisdiction, he is liable to an action at the hands of the party asgrieved, have no application to the question under consideration, for the reason that the Commissioners and their Deputies have such jurisdiction.

such jurisdiction.

All which is respectfully submitted.

(Signed) THOMAS LITTLE, Committee on AUG. WEISMANN. County Officers

VISIT TO WARD'S ISLAND.

Yesterday afternoon a select party of gentlemen, a the invitation of Capt. Pilsbury, the newly-elected General Superintendent of Police, proceeded to Ward's Island for the purpose of visiting the institutions under charge of the Commissioners of Emigration. At 1 o'clock p. m., the company embarked on beard of the steamboat Island Home, at Castle Garden, and after a pleasant sail up East River, were landed upon the Island. Among the party, we observed Messrs. Low Carrigan and Jellinghaus of the Commissioners-Emigration; President Stillman and Mr. Bailey of the Police Commission; Ex-Chief Matsell, Ex-General Superintendent Tahmadge, Mayor Powell of Brooklyn; Robert Kelly, Deputy Carpenter, and others.

After a walk about the building, the company wa escorted by Capt. Pilsbury to his residence, and there entertained with a sumptuous dinner. Justice having

After a walk about the building, the company was escorted by Capt. Pilsbury to his residence, and there entertained with a sumptuous diener. Justice having been done to the edibles, Capt. Crarters rose, and, calling the company to order, remarked that in the absence of Mr. Verplanck, their honored President, he, as the Vice-President, was called upon to preside. The occasion that had called them together was one of grief mingled with joy to the Commissioners of Emigration. The Commissioners were grieved at being about to lose a valuable officer; but, nevertheless, they felt joy at the thought that Capt. Pilsbury was about to enter a new and responsible sphere of usefulness to the public. It was his belief that Capt. Pilsbury was about to enter upon his new duties with a determination to do his whole duty, and carry out the spirit and letter of the Metropolitan Police Law if his health and strength sustained him; and in leaving the Superintendency of Ward's Island, it was with the best wishes of a large circle of friends.

Capt. Crarterer referred to the miserable condition of Ward's Island when Capt. Pilsbury assumed the Superintendency, and paid a high compliment to the Captain for the order, system and discipline brought about by his management. If the Captain needed any tredentials, he could call not only upon those around the table, but upon thousands of warm friends elsewhere. In concluding, the Captain gave what he was pleased to call a sailor's toast:

"Leng corns and short shoes to the commiss of that institution—any they have to walk to Harlem every morning and back spin every night." [Laughter.]

President Still.Man proposed the health of the health every have to walk to Harlem every morning and back spin every night." [Laughter.]

President Still.Man proposed the health of the health ever been able, to make an after-dinner speech. Although no speaker, he could not let the occasion pass without returning his sincere thanks for the complimentary manner in which he had been spoken of, and langer them as

the unfortunate and sick strangers in a strange land, but that they might inherit a glorious hereafter. Not withstanding he was about to enter upon other duties, he would still entertain a deep interest in the work in which they were esgaged. He had expected to meet on the present occasion an old friend and er-Commissioner of Emigration (Gov. Morgan), but he had received a letter from him, in which he stated that he had just returned from a Western tour, and was in consequence unable to attend. Capt. Pilsbury, in concluding his remarks, gave the health of Edwin D. Morgan, Governor of the State of New-York.

The toast was received with cheers, and Mayor Powell, was called upon to respond, which he did in a few and brief words. Mayor Powell said he felt somewhat embarrassed at being called upon to respond to a sentiment of such importance. The gentleman whose name had just been presented, and whose health they had drank, was one for whom he entertained the highest regard. During the short time that Gov. Morgan had occupied the Executive Chair, he had done wonders for the welfare of his constituents, and had displayed on a larger scale that genius of a good officer which primarily developed uself while he was acting as a member of the Board of Commissioners of Emigration and other public institutions. In coacluding, he said that if Gov. Morgan, at the expiration of his term of office as Governor of the State of New-York, should continue to sustain the high character

Emigration and other public institutions. In concluding, he said that if Gov. Morgan, at the expiration of his term of office as Governor of the State of New-York, should continue to sustain the high character that he now sustains, they would one and all be proud of him as a member of the Empire State.

The health of the Rev. Matthew Hale Smith was next proposed by General Superintendent Phishurar, and Mr. Smith briefly responded. He claimed Capt. Phishury as an old acquaintance, and said that their acquaintance first began when the Captain was Warden of the State Prison at Wethersfield, Conn. In that district the people visited the Prison to see the discipline enforced and the good order observed. The great secret of Capt. Phishury's success was that he knew what men ought to do, and made them yield obedience at once. New York received a blessing in getting such a man at the head of its Police—a man that would make New-York rogues understand that they could not flourish about him. The speaker defended the City of New-York against the aspersions cast upon it by some people, who forgot that it was the great door to the country, through which people of all nations make their entrance. Taking this fact into consideration, it was as well governed as any city in the world. The great success in its government was all nations make their entrance. Taking this fact into consideration, it was as well governed as any city in the world. The great success in its government was based upon three elements—First, the ministry, who told the people what they ought to do; secondly, the magistracy, who told them what they must do, and thirdly, the military, with its strong arm, that told them what they should do. With the criminal intellect in this city, he wondered that there were not twelve times the number of murders, robberies, burglaries and other crimes perpetrated. The city was well protected, and could be traversed safely at all times of the day and night.

President STILLMAN was next called upon, and made a brief speech, in which he said that the Board did the

a brief speech, in which he said that the Board did the best thing they could to find a competent officer, and they considered they had found such a one in Capt. Pilsbury. He felt assured, and for himself was certhey considered they had found such a one in Capt. Pilsbury. He felt assured, and for himself was certain, that the Board would second the efforts of their new Superintendent, and render him every assistance in their power.

Capt. Pilsbury begged to say a few words. He said that his appointment to the General Superintendency was made without his knowledge and without his consent, and that he tried hard for a week to decline.

consent, and that he tried hard for a week to decline. If any error had been committed in his appointment, it was not his fault; the fault lay with the Police Commissioners. He would try to do his duty. He had no party to serve, no clique to satisfy; his only business would be to learn his duty and to do it. His only in quiry would be, what is right? In examining the Metropolitan Police regulations, he perceived one section which forbids policemen joining any political organization. He approved of their rule and meant to do all in his power to enforce it. He well knew the general principles that should govern men; he knew of their characteristics and habits, but the details of the government for a police force he had yet to learn. He ernment for a police force he had yet to learn. He begged that they would bear with him until he could learn what the duties were devolving upon the chief head of police, and having been placed in that capacity he intended to be the Executive. [Cheers and Mr. James Kelly, Commissioner Bailey, ex-Su

Mr. JAMES KELLY, Commissioner Balker, ex-Si-perintendent Tallmander, ex-Chief Matsell and oth-ers were severally called upon and briefly responded. The company returned by boat in the evening being highly pleased with their visit.

FIRES.

Yesterday afternoon a little son of Mr. Sandsdon, of No. 219 Varick street, while playing with some matches, accidentally set fire to a clothes-horse full of clothes. The flames communicated to the furniture, and before they could be extinguished damage to the amount of \$250 was sustained. Fully insured in the Greenwich Insurance Company.

FIRE ON BLOOMINGDALE ROAD.

About 11 o'clock on Monday night a fire broke out in a frame building, cerner of Eightieth street and Bloomingdale Road, occupied by James Chauncey and P. Salley. The damage is said to have amounted to about \$560. No insurance. The origin of the fire has not yet transpired.

has not yet transpired.

CITY ITEMS.

Yesterday was a roaster, made tolerable only by the slight breeze which kept up a grateful circulation.

The sky was clear for most of the day, but overcast at once to the Tombs. Notwithstanding bail had at sunset with the look of a thunder-shower.

Bull's HEAD,-Wall street never exhibited a more obstinate Bull and Bear fight than existed yesterday between the cattle brokers and butchers-the former holding on for last week's prices, while the latter were fully determined not to buy unless they could get their bullocks at lower rates than they paid week ago. The consequence was one of the dullest of all the dull Tuesdays, nothing like half the cattle being sold that were offered. The highest price is equivalent to 11c. per pound net; and for the best qualities, such as will sell at 10c. to 11c. per pound, the price is as high as it was a week ago, though sales are not as readily effected. But this class, not being very plenty, will undoubtedly all sell at that to-day; while the most inferior will go a-begging at any price-some will sell at 7c. to 8c. a pound, such as grass steers and cows of four to five cwt. each. which have no business in a beef-cattle market. This class is altogether too plenty this week, and some of

the owners will suffer. According to our figures, there were over 2.60 cattle reported yesterday in Forty fourth street, and a few more will arrive this morning; so that for such hot weather there is no lack of supply, except it may be for the very best class. In addition to this, there were upward of 200 head in the Forty-fourth-street yards on Sunday, all of which, we believe, were as openly sold as cattle will be to-day; and not all by the Jews" either, but by men professing to b Christians, to the eternal disgrace of a city governed by Christian rulers.

There were also about 400 head sold at Bergen, so that the supply of the week will probably count up about 3,600 head, which is fully ample for a week in which strawberries have been so plenty that they

sold at the price of potatoes. Under present appearances, it is not probable that we shall vary quotations in our report of the Cattle Market to be printed to-morrow morning.

His Honor Mayor Tiemann, J. W. Gerard, esq. and others, bave invited the Count Joannes to reseive a testimonial Benefit at Niblo's, and the learned Count has accepted the compliment, and fixed the time for Saturday next. On that anspicious occasion he will impersonate the Shakespearean character of Hamlet

MILITARY .- We learn from good authority that the right wing of the 55th Regiment, composing the City Guard, State Guard, Swiss Guard, and Independence Guard, has been formed into a new regiment. The officers are as follows: M. M. Van Buren, Colonel; T. T. Ferris, Lieut. Colonel; W. H. Halleck, Major. The other officers will receive their commissions im mediately. The City Guard was formerly under com mand of Capt. Ferris. He was succeeded by Capt. Halleck, who recently resigned to fill office in th staff, and we believe the Guard have not as yet elected a new Commandant. The Company ha rapidly increased in numbers lately, and on the occasion of the last turn-out paraded as a battalion.

The Italian Committee in acknowledging the receipt of the proceeds of the Matinée and Evening Opera of the 22d inst., for the benefit of the families of Italian martyrs in the present war, desire to express their thanks to the well-known distinguished and patriotic artists, as well as to the chorus who

generously gave their valuable services for the oc-

To the gentlemen of the press for their unremitting kindness in presenting to the public and in forwarding the object of their association; To the ladies, who so efficiently extended their pa

tronege and exerted their influence in disposing of tickets: To the conductors and members of the orchestra.

and to the band of the North Carolina: Lastly, to Mr. Ullman and his employees, who gratuitously devoted their personal attention to the un-

dertaking. To these combined influences is to be attributed the brilliant success of the performance, and while the pecuniary result of it will alleviate the sufferings of many widows and orphans, as an expression of sympathy from the public of New-York, it will have a deep moral significance to the people of Italy.

ANOTHER MURDER IN THE FOURTH WARD .- About 3 o'clock yesterday afternoon a difficulty occurred, on the corner of Front street and Peck slip, between Richard A. Eddy and James Boston, both colored men, when Boston was stabbed in the abdomen with a knife by his antagonist. The assassin is a sailor. and from what could be ascertained it appears that some six morths ago Boston got him drunk, and while in that condition shipped him on board a vessel bound for a foreign port without his knowledge, re ceiving therefor his advance money (\$30). This out rage is quite common, and is called "shanghaeing" among the sailors. When Boston met Eddy yester day, he insultingly said, "Eddy, I 'shanghaed' you "once, and will do it again," and at the same time advanced toward the man whom he had thus abused. Eddy, who was whittling a stick at the time, cautioned him not to touch him, but he boldly advanced. and either struck or laid his hand heavily upon Eddy. who turned and struck him in the abdomen with a large-bladed pocket-knife, inflicting a fearful wound out of which the intestines protruded. Boston instantly fell to the pavement, and Eddy made an effort as if to escape, but was prevented by the crowd which collected, and in a few moments afterward Officer Delaney of the Fourth Precinct arrived and arrested him. Boston was removed to the New-York Hospital, where he died soon after admission. Deceased kept a sailors' boarding or lodging-house in the basement of the premises No. 44 Baxter street, and is represented as having been a man of notoriously bad character. The Coroner was notified to hold an inquest upon his body. In the mean time Eddy is in the Tombs, awaiting the result of the inquisition.

ERS' HOTEL.—This hotel, the most notorious of a class of hotels located in different streets of the First Ward, has figured in the public prints sufficiently to require of us no further enlightenment as to its characteristies. Yesterday, an intelligent immigrant named Thomas H. Rayson was met, at the landing place of the ship in which he arrived, by a runner connected with this hotel, and induced to take lodgings there. Finding himself surrounded here, as he alleges in the complaint which he subsequently made at the City Hall Police Court, by four or five desperate looking men, whose society he considered unsafe, he made known his intention to leave, but was informed that he could not go until he had paid his bell-\$3. Hav ing a considerable sum of money in his wallet he did not dare to let it be seen, as he al leged before the magistrate, for fear of being robbed, and therefore offered his gold water worth \$15, as security, promising to return after a while, and pay his bill. The watch was taken, but while, and pay his bill. not satisfied with this alone, Rayson alleges that the party fell to beating him, and continued to do so until be made his escape into an open cellar, several doors distant from the Farmers' Hotel. After remaining there for some time, he ventured on; made his way to the City Hall, and entered a complaint, as above stated, before Alderman Brady, at the City Hall Police Court. Detective Officer Wilson was sent with Rayson in order to discover and arrest the parties charged, and brought up Charles Bonn, the person in whose name the hotel is kept, and a man named Enright. On hearing the statements of both parties, been offered by a tall and powerful looking man, who sympathized with him, Bonn was given in charge of an officer and committed. He was subsequently liberated, bowever, and both himself and Enright were held to answer.

ALLEGED INFAMOUS TRANSACTIONS AT THE FARM

The proprietor and keepers of the hotel, on the contrary, deny the charges of Mr. Rayson, though his face bears unmistakable evidence of having experienced a severe beating.

A WELL-ARRANGED SYSTEM OF THIEVING BROUGH TO LIGHT .- Several days ago Mr. Nathaniel Brown, a member of the dry goods firm of Brown & Co., at No. 152 Chambers street, made the statement at the City Hall Police Court that for a long time a disappearance of goods had been observed by himself, bu that no person could be suspected guilty of theft, un less it were the porter of the establishment, John Brandon, and he desired a policeman to ferret out the whole matter. Accordingly, Officers Gardner and Smith of the Police Court arrested the porter, who, after a while, became alarmed, and confessed that he had been in the habit of unlocking the store after the business had been closed for the day, and giving quantities of goods to a person appointed to call at that hour. He expressed himself willing to take the officers to the spot where the goods were secreted, and took them over the Peck-slip Ferry and up the Williamsburgh Railroad. After having rode a short distance in the car, Brandon suddenly sprang from the car and took a direct course for the woods: The officers followed in hot pursuit, astonishing the suburban inhabitants at the pedestrian vigor manifested, and electrifying all the butchers and butchers dogs in that neighborhood with excitement to such an extent that they also joined in the pursuit : but did not succeed in overtaking the deceitful porter until they had run a mile and a half, and had reached the woods. Brandon, after breathing a little then told them that the goods were not secreted anywhere near, but that he would now tell them the truth. He said that an expressman, the one usually engaged by the firm, named James Purcell, had been in the habit of receiving the goods, and car rying them to a small grocery-store and eating saloon at No. 48 Fulton street, Brooklyn, kept by Robert Lee. The officers then returned, locked up the prisoner for the night, and yesterday searched, the premises of the alleged receiver. The result of their search was a cart load of goods, worth \$300, which had been carefully stored in a dark corner in the rear part of the basement. The cart load was safely de posited in the basement of the City Hall. Purcell the expressman, was also arrested and held to bail; and Brandon and Lee were committed to the Tombs for examination to-day.

THE CAREER OF A DRUNKARD .- An old man wa picked up in a fit by the Third Ward police a few nights since, and soon after died in the Station-House. He stated that he was 74 years old, and gave the names and residences of several relatives in this city, among others a daughter and son-in-law. These relatives were notified, but refused to do anything toward burying him, and the body was about to be interred n Potter's Field, when Mr. Meriam of Brooklyn arived at the Station-House, and stated that he knew the deceased, who had once been in good circumstances, a man of some prominence, and an intimate friend of Lafayette, with whom he corresponded sev-

eral years. Mr. Meriam had the body of the forsaken old man interred in his own lot in Greenwood

A REPESTANT BURGLAR-HIS CONFESSION .- Of the three notorious burglars, Thomas Kelly, John F. Gordon, and Wm. Hughes, arrested last week, Gordon has made a sworn confession, before Justice Brennan, of the part which he and Kelly took in shooting the private watchman in Brooklyn, last summer,

ing the private watchman in Brooklyn, last summer, as follows:

John F. Gordon, now of the City Prison, in the City of New-York, deposes that on or about the latter part of July, or lat of August last, he and a man named Thomas Keily, now also in the City Prison, went at about 9 o'clock at night from this city to Brooklyn, for the purpose of breaking into some house to steal; deponent says that they walked about the city of Brooklyn looking at several houses, and finally came into Smith street, near the corner of Fulton avenue, where they saw a house they determined to enter; deponent says that the house is of stone and brick, with sides and rear, and No. 21 of said street, on one side of which there were open lots of ground; he further says that they climbed the fence into the lots, where they remained for an heur or so, perhaps two hours, lying under a tree in the terur of the house; at a lare hour, perhaps 12 or 1 o'clock at night, they entered the house by the rear basetinent door, by forcing out one of the paces of glass from the window and then unlooking the door from within; after they were in the house they took some things from a trunk in the basement, and several articles from the pantry; then they went into the parlor and took a music-box; from thence they went had hosk room; they then took a lady's velvat clook, two or more basques, also some dresses, and other similar property from a pantry between the two rooms and a pantry in the entry way, part of these things they put into a bag, which they found in a pantry in the basement; they then went down stairs and opened the front basement, and walked out and saw some serenaders a short distance off, also a watchman; deponent went to the inner fence, followed by Kelly, and both jumped over, carrying the property with them; at this moment they saw a man coming swiftly toward them, on the oppodistance off, also a watchman; deponent went to the inner fence, followed by Kelly, and both jumped over, carrying the property with them; at this moment they saw a man coming swiftly toward them, on the opposite side of the street, who hailed them and asked what they were doing ther? Kelly told him they belonged in that house; the watchmen ordered them to stand, under peril of having their brains blown out, at the same time striking an alarm rap with his club upon the sidewalk, and presenting a pistol at deponent and Kelly the watchman rapped again for assistance, when Kelly drew a pistol and fired at him, causing him to stagger back into the middle of the street; Kelly then ran down the street, and deponent sprang back over the railing into the front yard and through the front basement door, which he closed and bolted after him, and, as quickly as possible divesting himself of the things he had with him, leaving them in the entry way, he fled out of the back door into the rear yard, over the rear fence, and away; as he was escaping, he heard several persons cry out, "There he goes! stop him! there goes the thief!" and similar expressions, coming as he thinks, mostly from the windows of the neighboring hoases; deponent has heretofore, and immediately on his arrest, told Officers Wooldridge and Jourdan all the facts and particulars of this matter in full detail, with mostly from the windows of the neighboring hooses; deponent has heretofore, and immediately on his arrest, told Officers Wooldridge and Jourdan all the facts and particulars of this matter in full detail, with out having communicated with or learned anything from any person whatever upon the subject; deponent then took these officers to this same house in Brooklyn, where he fully identified the house and all the surroundings as the honse upon which the burglary was committed and the watchman shot; deponent saw the occupant and described to him all the particulars of the offense, and of the property taken, as also a full description of the internal part of the house to the extent of his knowledge and recollection, all of which may be verified by these persons; deponent says that in a few days after the perpetration of this offense, he and Kelly heard of the arrest of two men named Dunn and Griffiths on a charge of committing the crime of shooting the watchman and breaking into the house, all of which had been done by deponent and Kelly; deponent was afterward informed that said Dunn had been discharged, but that Griffiths has been convicted and was sentenced for ten years in the State Prison, where he still is; this deponent solemniy declares that Griffiths is whelly innecent of the matter, and he and Kelly, and no person or persons else are the guilty ones; and further deponent saith not.

The principal circumsbances proven against Griffith were, that he was a man of bad character; that he was seen in the vicinity at a late hour, a few days before the crime was committed; that when he saw the fore the crime was committed; that when he saw the

was seen in the vicinity at a late hour, a few days before the crime was committed; that when he saw the officers he exhibited symptoms of uneasiness, and strongly objected to having his house searched; that on the night of the burglary he was engaged in playing billiards in a room in this city until about 101 o'clock, but that after this hour he was not seen, and could give no account of himself; and lastly, Buckley, who supposed he was on his death-bed, swore positively that Griffith was the man who shot him.

It is true that Griffith was in Brooklyn a few days before the crime, but he went to a livery stable for a horse, with which he took his wife to Greenwood Cemetery to look at the grave of a friend.

It is true that he could not give an account of himself after 10; o'clock: but the reason is he went home and went to bed, and his wife, who solemnly protests that such was the fact, could not swear to it; and had no means of establishing it.

The most singular feature of the case is the positive evidence of Buckley, who believed himself on his death-bed at the time of the identification, and was undoubtedly honest in his statement.

The credit of tracing out these offenders and bring irg them to justice belongs to Capt. Dowling and Officers Jourdan and Wooldridge. The name of the private watchman is Buckley. No doubt Griffiths will be released from prison as soon as the necessary steps can be taken to bring his case before Gov.

SOCIAL AMENITIES OF THE FOURTH WARD .- John King, a sailor, while fighting with a marine named McCune, in a Roosevelt street barroom yesterday afternoon, bit his nose entirely off. The member was sewed on again by a surgeon, and King was arrested by Officers Craig and Sheehan of the Fourth Ward, and committed by Justice Connolly.

Another sailor, named James Spence, residing at No. 96 Oliver street, bit off the nose of William Johnson, about the same time, in a fight, for which Justice Connolly locked him up for trial.

FELONIOUS ASSAULTS .- Patrick Fox, an Irishman with two well-defined black eyes, was brought before Justice Brennan yesterday, while in a state of rumstupor, charged with a felonious assault. He had gone home drunk to No. 330 Thirteenth street, and attacked his wife with a knife, cutting her arm; and when Mrs. Keegan, a neighbor, attempted to take the poor woman's part, he savagely hit her in the breast. The Justice committed him in default of \$1,000 bail

to answer the charge.

Phillip Hessemer, of No. 189 Mott street, alleges that Lorenzo Meyers met him in the street yesterday and, without the slightest provocation, stabbed his in the neck and face with a dirk several times. Justice Brennan committed the accused for examination.

ALLEGED SWINDLING .- Mr. Thomas H. Clark, of No. 30 Bowery, wishing to purchase a stand in Washington Market, applied to James Brown, a speculator in the Market, to find out for him if there was one for sale. A few days after, Brown told him that stand No. 477, owned by a sick woman named Legrand, was for sale at \$2,000, and subsequently took him to a house in Reade street, where he was introduced to a woman who said she was Mrs. Legrand, and that she would not sell the stand for less than the sum named. The money was paid to Brown, and \$20 for his trouble, but learning since that the woman in Reade street was not Mrs. Legrand, but a friend of Brown's, and that the owner of the stand sold it for \$1,000, Clark had Brown arrested for swindling Brown says that he bought the stand for \$1,000 and sold it for \$2,000. This valuable business privilege pays the city \$3 per week. Justice Brennan required the accused to appear for examination on Friday next.

ATTEMPTED SELF-DESTRUCTION .- ROSANNA Rice, residing at No. 212 Center street, was found in the street on Monday night stupefied by laudanum, which she had taken for a suicidal purpose. She was conveyed to the City Hospital.

A woman named Sakeer, attempted to com cide on the same evening, by similar means, at her residence in Tenth avenue, near Thirty-first street, because her drunken husband had ill-used her. She

was sent to Bellevue Hospital, and her husband arrested for drunkenness and disorderly conduct.

penard street, alleges that on the 7th instant Franz Heebert, a Hungarian, visited her, and while in his company she fainted, when he robbed her bureau of a gold watch, chain and seals, worth \$100. The delinquent was arrested on Monday night with the property in his possession. Justice Connolly held him for

SUNDAY RUMSELLERS ARRESTED.-Two Sunday rumsellers, named A. Leary, of Eighth avenue and Twenty-fifth street, and James O Donnell, of Seventeenth street, were arrested on Tuesday, on a warrant issued by Justice Quackenbush, for violating the Sunday law. Two boys were found dead druck in O'Dennell's store. Trey were held in \$300 ball each to answer, and the children were detained as wit-

A CHILD ABANDONED IN THE STREET.-A little girl named Teresa Burke, only 13 years of age, was found in the street, on Monday night, having been abandoned by her aunt, who brought her from Bridgeport for that purpose. She was taken to the Seven-teenth Ward Station-House and properly cared for.

REAL ESTATE. - The following sales were made yesterday by A. J. Bleecker, Son & Co.:

yesterday by A. J. Ricecker, Son & Co.;
Plot of ground on n. e. cor. Reade and Church street,
size 33 ft. 9 in. x39 ft. 4 in.
2 stery and attic beasement brick house and lot No. 91
Grand street, lot 29 ft. 2 in. x79 ft.
4 story bick house and lot No. 125 East Nineteenth street,
16 ft. 9 in. x32 ft.
Also, the following by Adrian H. Muller;

RUFFIANISM ON A FERRY BOAT.

To the Editor of The N. Y. Tribune.

Sin: I went over to Staten Island with a couple of friends Monday evening for a breath of pure air and a a nice little steamboat ride on the bay, as I doubt not many a city-tired individual does daily; but in future I should advise all such excursionists to go well armed, a good ten-

friends Monday evening for a breath of pure air and a nice little steamboar ride on the bay, as I doubt not many a city-tired individual does daily; but in future I chould advise all such excursionists to go well armed, say with a brace of reliable pistols, and a good teninch bowic knife, and as a reason for this advice which I am aware has singuis soud, I will reliate briefly a scene I will-messed upon my return voyage from Staten Island on the ferry-boat Southfield.

I should he sitate a little about giving a description of what I saw had it not been witnessed by nundreds of others as well as myself, for I should expect the public would scarcely believe such a bruist affair could bappen upon a public conveyance within sight of civilized New-York.

A few moments after the bost left the upper landing (it was the last one for the night and consequently crowded) my attention was called to a party of four or five roffant on the lower deck who, in the classic language of a certain locality, seemed to be "spling for a fight," but as t did not suppose any affair of that kind would be toterated in such a place by the officers of the boat, I did not anticipate any distribunce.

Presently, one of the shoulder-hitters, whose prepossessing face was principally remarkable for its atriking resemblance to a raw turnip, waked up to a quiet, inoffensive man and introduced himself to his favorable notice, by knocking his hat off. The insulted party rather warmly inquired the cause of this grantous indignity, to which his new aequalmance responded by elenching him, and a scuffle followed, of course, much to the amusement of the lady passengers, who were agreedly surprised, I presume, by such a pleasit g break in the monotony of the vyage. Both men fell to the edeck, the "fancy" certification madericath, and as matters were beginning to assume a serious aspect; and the rest of the "fancy" were loudly extending a general invitation for such as were disposed for a friendly knock-down, to "right him," at seven the presence of the "f

Secondly, maximuch as the State has seen fit to pass a law making it a crime to carry weapons concessed upon one's person, though carried for self defense, is it not the duty of the State to provide an armed force upon all public conveyances (which, like the Southfield, have no officers or crew) sufficient to maintain the peace? ARREST OF ROWDIES .- Yesterday morning Detect-

Ive Farley, observing a fight in Center street, between John Har nett and Augustus Trimble, two young men who had just emerged from a disreputable ceilar, interfered, when they gave him a se-vere beating. Both of them were locked up by Justice Connolly Drowsen.-A young lad named James Pinner, nine

years old, residing with his parents at No. 22 West street, while fishing on Pier No. 4 North River, at 3 o'clock yesterday afternoon, accidentally fell overboard, and was drowned. At a late hour his body was not recovered. RUN OVER.—Richard Jefferson was run over by a dung-cart in Thirty first street, near Teuth avenue, on Monday night, and instantly killed. His body was removed to the Twen tieth Ward Station.

BURNED TO DEATH .- Coroner Heslewood ot Rich mend County held an inquest yesterday on the body of a woman named Sophia Peterson, who came to her death by her clothes taking fire by the upsetting of a candle, while undressing for bed

SUSPECTED OF ARSON.—A fire breaking out in the house of Michael We sh, No. 234 East Thirteenth street, about 15 o'clock on Threaday morning, while Welsh and his wife were up drinking whisky, he was arrested on suspicion of arson, having, it is said, frequently threatened to fire the place, out of spite against the owner.

We beg especial attention to the peculiar character and style of our stock of SUMMER CLOTHING, together with an unusually large stock of all descriptions of stylish and chesp linen fabrics. We have, this season, manufactured into suits many beautiful styles of light wooden fabrics, in skeleton make, so that they are as light in weight as linen, and much more agreeable. They have taken the public taste to that extent, not only here, but in the other principal cities, that we have had to increase largely our production of them. They are light, elegant, and durable, and can be scoured as easily as linen. They are also a protection against the changes of the weather.

s easily as linen. They are an experienced of the weather.

The prices—which we have put down to the lowest mark—vary not little from Dack and Drilling Goods, although they have notble the intrinsic value.

As the season will now be short, we will put down the prices of the whole of our large Summer stock at once.

D. DEVLIN & Co.,

Nos. 258, 259 and 250 Broadway.

JOSH, G. & I. EDGE, sole Exhibitionists to the City of New York, offer to the public their Gennine Works at their depot, No. 172 Broadway, corner Maiden-lane.

OVER AFD OVER AGAIN! MORE THE MERRIER Nothing but enterprise at BARNUM'S! The famous Fairy Drama of THE MAGIC WELL, Or, THE FIRM OF THE DESERT, the gorgeously-romantic attraction now at BARNUM'S MUSEUM, is to be brilliantly repeated THIS AFTERNOON and EVENING.

[Advertisement.]
EVERYBODY SHOULD OBTAIN A PHRENOLOGI-EVERYBODY SHOULD OBTAIN A PHRENOLOGI-LEXAMINATION AT FOWLER & WELLS, NO. 308 Broadway, with a chart or full-written description of character, setting forth the talents, defects and proper occupation. To accommodate strangers and persons rarely at leisure, the rooms will be open on the Fourth of July.

[Advertisement.]
BRADY'S GALLERIES.

PROTOGRAPHS,

AMEROTYPES AND DAGUERROTYPES.

Ros. 359 and 643 Broad-may, New-York, and Mo. 352 Penns
sylvania-av., Washington, D. C.

Pictures of all descriptions copied in every style of the art.

TO THE TRAVELING COMMUNITY WOLFE's celebrated SCHEDAM AROMATIC SCHWAFFS should be in the hands of every traveler. No family abould leave the city or he without a supply during the warm weather. It inva-riably corrects the ill effects of change of weather, and as a bev-erage it is the purest liquor made in the world. Put up in pint and quart bottles. Sold by all Druggists, Gro-cers and Fruit Stores.

DEAFNESS CURED, however caused, by a new Address Dr. Boardman, personally or by letter, at No. 974

PURE WATER. Read Harper's Weekly of March, and you will not drink Cro-ton unless filtered, which will cleanse it of the parms of nontous blood-sucking creatures, the destroyers of so many children. DIAPERAGUE FILTER for sale at No. 355 thb-t.

EDWARD H. DIXON, M. D., Editor of The Scales And II. DIXON, M. D., Editor of The Scales, Operating and Consulting Surgeon, No. 62 Schar, as tends to the more obscure diseases of the Petric Viscora. Pilos Rupture, Fistula and Prolapses of the Rectum cured without the knife or ligature. Office hours from I to 3, and 7 to 9 evenings, at all other hours he is at his private Hospital, where those white require surgical operations or careful diocelle treatment will find spacious apartments, the purest air in the city, and all the conforts of domestic life.

LAW INTELLIGENCE

U. S. DISTRICT ATTORNEY'S OFFICE -JUST 12 P. S. DISTRICT ATTORNEY'S OFFICE.—JUNE 22.

THE SLAVER ARDENNES—DISCHARGE OF THE CREW.

Mr. Dwight, Deputy District Attorney, applied to
day to Commissioner Brigham for a warrant to arrest Captain
Pelletier and fifteen of the crew of the bark Adentee, for having
voluntarily served on board a slaver. From the statements made
by Mr. Dwight, it appeared that the Ardennes was in January
last selred and libeled by the United States authorities at Jackcourtile, Florida, to being fitted out as a slaver. On investigation, however, the libed was discharged. The vessel these
cleared for Santa Cruz and Teneriffe, but in April last she was
selred by the U.S. sloop-of-war Marion, on the Congo Eirer,
come three thousand miles south of the ports for which she had
cleared. The vessel was then placed in charge of a licutemant
and a prize crew, who brought net to this port. Aside from this
fact, there was no proof that the crew had voluntarily served,
knowing the vessel to be a slaver; and under these circumstances
they were discharged by the Marisha.

The vessel has, however, been theled by the United States authorities as a slaver, though the captain and owners claim that
ahe has only been used for legitimate purposes.

Ship Burnners Arrest Retend

thorities as a slaver, though the captain and owners claim that ahe has only been used for legitimate purposes.

SHIP BURNERS ARRESTED.

Charles E. Hodge and Charles Ratchel were arrested by Deputy-Marshal Keefe, on a charge of esting fire to the bark Austria of Rennebee. It appeared that while the vessel was anchored off Busson Ayres South America sile was found on fire, and before assistance could be obtained was burned to the water's edge, with all the carga, valued at \$480.001. From certain suspicious circumstances the captain caused the prisoners to be arrested. On being examined before Wur. Holly Hudson, the American Council at Busone Ayres, sufficient circumstances were shown to warrant the Council in sending the prisoners and witnesses to this part for trial.

The accused will be examined on Thursday.

UNITED STATES COMMISSIONER'S OFFICE—JUNE 28.—
Before R. E. Stillwell, Commissioner.
PASSING COUNTERFEIT COIN.
Antonio Sante was examined on a charge of passing a counterfeit half deliar upon Dr. Hubbard of Brooklyn. The testimenty failed to show that the accused had passed the money with an intent to defraud, and the Commissioner accordingly dismissed the complaint. SUPREME COURT-CHAMBERS-JUNE 28.-Before Justice

HABEAS CORPUS FOR CUSTODY OF A CHILD.

In re the application of Mary Dempsey.

This was a proceeding on a writ of habeas corpus to receive the custody of a child eighteen months old, who, the partitioner alleged, had been taken from her by her husband, from whom she had been the from the by her husband, from whom she had been the high group to the father of the child, made a return to the writ, in which he acknowledged having taken the child away, but stated that he had done so because the mother was in the habit of getting drunk, and then lil-treating the child. This return was traversed by the mother, who denied the allegations. The case was referred to ex-Recorder Smith.

Before Justice SUTHERLAND.

DECISION.

Before Justice SUTHERLAND.
DECISION.
The New-York and New-Haven Railroad Company agt. Robert
Schuyler.
Motion for an injunction as to the defendants in this
action, who commenced such actions against the plaintiff, and
prior to the commencement of his action, is granted. The costs
of this motion, to the amount of \$10 to each party who appeared
separately therein, is to abide the result of this action.

COURT OF COMMON PLEAS-SPECIAL TREM.-June 28.

COURT OF COMMON PLEAS—SPECIAL TREE.—June 28.—OFINIONS.

The Mayor agt. James Butt and John Pettigrew.

DALY, J.—The only point arising in this case is, whether the action should have been brought in the name of the real party in interest; and whatever doubts may have existed an that point heretcfore, they are set at rest by the decision of the Court of Appeals in the case of The People agt. Norton (8 Seld., 178). It was held in that case that an action upon a bond given by a trustee and this surety to the people of this State for the benefit of certain parties interested in the estate of which the defendant was trustee, was properly brought in the name of The People, and there is nothing in principle to distinguish that case from the present.

the benefit of certain parties interested in the estate of which the defendant was trustee, was properly brought in the name of The People, and there is nothing in principle to distinguish that case from the present. Court to prosecute the bond had not been obtained before the commencement of the suit, the defendant's remedy was, by motion to the Court to set ands the proceedings. The plaintiff was not bound to show upon the trial that he had obtained the leave of the Court, and the want of proof of that fact constituted no ground for a nearly.

The plaintiff use noticed to judgment.

John Chapman agt. Terence Duffy.

DALY, J.—The affidiavitis in this case establish, in my judgment, that the defendant obtained the potatoes with a preconceived design to cheat and defraud the seller, that the possession was obtained upon a promise to pay for them in oash upon delivery, and was retained, and the payment of the price evaded by a series of shifts and contrivance; that the subsequent levy upon them on an execution issued upon a judgment confessed by the defendant after the delivery, and after he had put off the plaintiff under various pretexts and promises, was a part of the general design, and was done with the intent of preventing the plaintiff from repossessing himself of the property by an action; that the plaintiff, having resorted to such an action after the defendant's rofusi to return the potatoes, which refusal was given on the day when the levy under the execution was made, and having discontinued his action upon learning of the judgment, execution and seven and part of the property inner the execution and seven and promises and the property inner the execution was countermanded in continuation of the fractulent selection was countermanded in continuation of the far dulent selection was countermanded in continuation of the far dulent selection was countermanded in continuation of the form of the far of the defendant, with the intent of depriving the plaintiff, was and on the property counter the execution a

business in the City of New York, of whatsoever name, nature or description the same might be, whether relating to him as a member of the firm of Figaniere. Reis & Co., or in his individual capacity, and that the firm of Figaniere. Reis & Co. failed, and made a general assignment of the property of the firm and of the individual property of each member for the benefit of creditors, to Louis Figaniere. The assignment was executed by each of the partners three of them executing it in person, and C. H. S. De La Figaniere, in virtue of the above power, executing it in behalf of the plaintif, who was then in Portugal. After the assignment, Louis De La Figaniere gave notice of the assignment of the claim in this action to him, which notice was given before the execution of the release, and he claims that the suit is now prosecuted for him, as assignee, for the benefit of creditors. The suit is for a claim belonging to the plaintiff individually.

If the power given to C. H. S. De La Figaniere was sufficient to entitle him to bind the plaintiff by a general assignment of the property of the firm for the benefit of the creditors, which I very much doubt, it cannot in my judgment be extended or far as entitle him to assign all the individual property of the plaintiff se a trustee for the payment of his debta—a power of attoracy always receiving a strict interpretation, and it would be giving to the authority conferred upon C. H. S. Figaniers to transact like plaintiff's business in the City of New York, of whatsoever name, nature or description, a very extensive signification to hold that it conferred upon the attorney the right to transfer all the plaintiff's business in the City of New York, of whatsoever name, nature or description, a very extensive signification to hold that it conferred upon the attorney the right to transfer all the plaintiff's business in the City of New York, of whatsoever name, nature or description, a very extensive signification to hold that conferred upon the storney the right to transfer al

COURT OF COMMON PLEAS—GARRAL TERM—JURE 22.—
Before Judges Dally, Brady and HILTOR.
PRACTICE IN APPEALS FROM MARINE COURT.
William Hous art. Dennis Julien.
HILTON, J.—On the trial of this action before one of the Justices of the Marine Court, judgment was rendered for the pisintiff. The defendant appealed to the General Term of that.
Court, where the judgment was reversed; and from this decisions of the General Term reversing the judgment, generally, and without awarding a new trial, or in any way determining the rights of the parties to the action, an appeal is brought to this Court.

Court.

It is prescribed by the code (see, 352) that when a judgment shall have been rendered by the General Term of the Marine Court, the appeal shall be to this Court; but it shall only "be from an artual determination at such General Term," and as a judgment is described by see, 245, to be "the final determination of the parties in this action," it seems quite elear that this case is not in a condition to be brought before us for review. There has been no actual or final determination of the rights of the parties by the Marine Court; and until such a determination is had and the case is at an end in that Court, it cannot be brought here. It being the policy of the code to allow only an appeal to us in the same action.

same actions the construction given by the Court of Appeals, to sincla was the construction given by the Court of Appeals, to sinclar language under the Code, sec. 11, respecting appeals to that Court (Swartwoot agt. Corrise, 4 Comst. 415; Osame agt. Nothern R. R. Co., 3 td. 545; Paddeck, agt. Springfield Fire and Marine Insurance Co., 2 Kernan, 591). And we have repeatedly held, in cases like the present where the judgment has been reversed on appeal, that the Marine Court were clearly wrong in hot swarting a new trial; and in many cases appeals have been dismissed and the return sent back with dractions to that effect.

lin not awarding a new trial; and in many cases appeals have been dismissed and the return sent back with drections to that effect.

That Cover has, at General Term, all the powers in reviewing a judgment brought before it on appeal that a General Term of the Supreme Court has in like cases. It may reverse, affirm or modify the judgment, and in case of reversatinay order a new trial, or instead may give final judgment in favor of the defendant, when it can see text no principle state of proof applicable to the issues in the cause will entitle the plaintid to a recovery (Figuresers agt. Jackson, It How, Pr. 461; Edmonston agt MeLoud, 16 N. Y. Rep. 549; Griffin agt Marquardt,, I7 id. 25).

Although, in the issuings of Judge Comestock in the latter case, p. 35, "It is prophis Gourt, that existence castion ought to be exercised in refusing new trials where judgments are reversed. The discretion only in cases where it is entirely plain, either from he pleadings or from the very nature of the controversy, that he party against whom the reversal is pronounced cannot preasil in the suit."

I have no heeftation, however, in adding that this is not a cases which such a final judgment should be given.

The evidence at the trial may not have been sufficient in leav o sustain the judgment; yet it is impossible for the appellate Court to know that the necessary proof might not be supplied on nother trial, and which it was their duty to order.

The appeal must be diamissed, and the return zent back to the Marine, that the proper judgment may there be given.

COURT OF APPEALS.